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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,373	11/14/2000	Antonius Adriaan Maria Staring	PHN 17,357	3607

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,373

Applicant(s)

STARING, ANTONIUS ADRIAAN
MARIA

Examiner

Beemnet W Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (hereinafter referred to as Takenaka) (U.S. Patent No. 5,917,908).

4. As per claims 1 and 8-10, Takenaka teaches a method of copy-protection services on a storage medium [column 1, lines 64-67 and column 2, lines 1-7], characterized in that data on the storage medium are encrypted with a key which depends on a position of data in the memory module [column 8, lines 14-21 and lines 34-38], and that in each write operation (i.e. storing a file) data is written into positions on the storage medium that are chosen at random [column 5, lines 35-44]. Furthermore, Takenaka teaches using at least a part of the positional-information as means for encryption. However Takenaka does not clearly teach a key (E {L, S}).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a key ($E\{L, S\}$). This would have been obvious because Takenaka teaches that information $C(k)$ (encryption key) is generated based on at least the positional information [column 8, lines 17-18]. Based on this teaching it would have been obvious to generate an encryption key by having the positional information and other information.

5. As per claim 2, Takenaka teaches a method of copy-protection services on a storage medium as applied to claim 1 above. Furthermore, Takenaka teaches the method characterized in that the data are arranged in blocks having sector number and during each block write the sector number for the current or next block is randomly chosen from a free block list [column 5, lines 35-45, and figure 7].

6. As per claims 3-6, Takenaka teaches a method of copy-protection services on a storage medium as applied above. Furthermore, Takenaka teaches the method characterized in that the data on the storage medium are arranged in blocks [figure 7], and a block is encrypted with a key which depends on the position of one or more of the blocks [column 8, lines 14-21, and figure 7].

7. As per claim 7, Takenaka teaches a method of copy-protection services on a storage medium as applied to claim 1 above. Furthermore, Takenaka teaches the

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method characterized in that the storage medium is a removable solid state memory module [column 1, lines 9-16].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) U.S. Patent No. 6,000,030 to Steinberg et al. teaches software fingerprinting and branding.

b) U.S. Patent No. 6,535,858 B1 to Blaukovitsch et al. teaches optical disc copy management system.

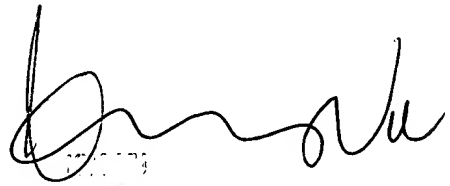
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (703) 305-8895. The examiner can normally be reached on Monday - Friday (8:30 am - 6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

March 26, 2004



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